

ORIGINAL

FACTUAL RESUME

UNITED STATES OF AMERICA v. DALE WRAY FULFORD
NO. 5:14-CR-014-C - LUBBOCK DIVISION - NORTHERN DISTRICT OF TEXAS

U.S. DISTRICT COURT
CLERK, U.S. DISTRICT COURT
By SWK-9:10am
MAR 21 2014

INDICTMENT:

TO BE ARRAIGNED ON ONE-COUNT INDICTMENT
5:14-CR-014-C- Charging a violation of 18 U.S.C. § 2251(a)
- Production of Child Pornography.

MAXIMUM PENALTY:

A term of imprisonment of not less than fifteen (15) years, nor more than thirty (30) years, and a fine of not more than \$250,000.00. Also, a term of supervised release of up to life must follow the term of imprisonment. If Fulford violates the conditions of supervised release, he could be imprisoned and subject to additional terms of supervised release and imprisonment as determined by the Court in accordance with law. The defendant can also be ordered to pay restitution to victims or to the community, which may be mandatory under the law, can be ordered to pay costs of incarceration and supervision, and can be subject to forfeiture of property.

MANDATORY
SPECIAL
ASSESSMENT:

\$100.00.

PLEA AGREEMENT:

As set forth in the Plea Agreement letter attached hereto and incorporated herein.

ELEMENTS OF
THE OFFENSE:

18 U.S.C. § 2251(a). Production of Child Pornography:

Defendant Dale Wray Fulford:

1. On or about the date charged in the indictment;
2. used, and attempted to use, a person under the age of eighteen (18) years;
3. to engage in sexually explicit conduct;
4. for the purpose of producing a visual depiction of such conduct; and

5. using materials that had been mailed, shipped, or transported in interstate or foreign commerce.

"Sexually explicit conduct" means:

- (A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
- (B) bestiality;
- (C) masturbation;
- (D) sadistic or masochistic abuse; or
- (E) lascivious exhibition of the genitals or pubic area of any person.

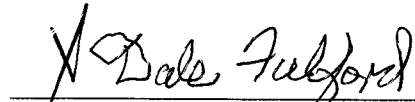
FACTS:

In 2013 and 2014, Dale Wray Fulford (Fulford) resided in Lubbock, Texas, in the Lubbock Division of the Northern District of Texas, and he owned a Sanyo VPC-E870 digital camera which contained a Kodak 128MB SD memory card, serial number 058F00016378. Both of these items were manufactured outside the State of Texas.

Between in or about February 2013, and on or about February 4, 2014, while at his residence, Fulford did use, persuade, induce, and entice, and attempt to do so, the minor female referred to in Count One of the indictment as "Jane Doe," to engage in sexually explicit conduct, that is, lascivious exhibition of the genitals and pubic area of that child, for the purpose of producing a visual depiction of the child's genitals and pubic area. Fulford thereby produced several digital images focusing on the child's genitals and pubic area. Fulford created the images in the bedroom of his residence by aiming his digital camera (referenced above) at the child's genitals. The Sanyo digital camera and the Kodak memory card that were used to produce the images are the two items specifically listed in the indictment's forfeiture notice, and they were seized during the execution of a search warrant at Fulford's residence on or about February 4, 2014.

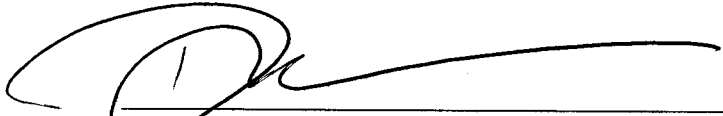
The digital files depicting "Jane Doe's" genitals and pubic area constitute child pornography because they depict a minor child engaged in lascivious exhibition of her genitals and pubic area. Fulford intentionally caused the images to focus on the genitals and pubic area of the child.

The above facts are true and correct.



DALE WRAY FULFORD
Defendant

3-19-14
Date



DAVID E. SLOAN
Attorney for Defendant

3-19-14
Date